

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

JAMAL Y. ELHAJ-CHEHADE,)	
Complainant,)	
)	8 U.S.C. § 1324b Proceeding
v.)	Case No. 98B00068
)	
UNIVERSITY OF TEXAS, SOUTHWESTERN)	JUDGE MARVIN H. MORSE
MEDICAL CENTER AT DALLAS)	Administrative Law Judge
Respondent.)	

SECOND PREHEARING CONFERENCE REPORT AND ORDER
(September 25, 1998)

The second telephonic prehearing conference was held Thursday, September 24, 1998, at 4:00 p.m., EDT, 3:00 p.m., CDT.

Complainant advised that his deposition was taken by Respondent on Monday, September 21, 1998. Respondent advised that it will be filing dispositive motions in approximately thirty days based on research completed and information gathered at the deposition. If Respondent relies, as it suggested it might, on reported cases, including *Hensel v. Office of the Chief Administrative Hearing Officer*, 38 F.3d 505 (10th Cir. 1994), it should include copies of the cases in its transmittal to Complainant. The court reminded Complainant that he can respond to Respondent's dispositive motions under the pertinent rules of practice and procedure, *e.g.*, 28 C.F.R. § 68.38(a).

Respondent also informed the court that Complainant filed a separate national origin lawsuit (in the United States District Court for the Northern District of Texas).

Finally, I noted that unresolved questions posed in the First Prehearing Conference Report and Order of August 6, 1998, remain unanswered. The parties should be prepared to answer the following questions at the next prehearing conference:

- (1) Was Chehade discharged from his research fellow position prior to a stated termination date? If so, was that discharge based on Chehade's citizenship status?
- (2) Did Chehade complete an application process for research position(s) for which he was not hired? If so, was that failure to offer employment based on Chehade's citizenship status?

- (3) Are medical residencies considered employment within the context of fair employment practices law? If so, was the rejection of Chehade's applications for residency positions based on Chehade's citizenship status?

A third telephonic prehearing conference is scheduled for **Thursday, December 3, 1998, at 3:00 p.m., EST, 2:00 p.m., CST.**

SO ORDERED.

Dated and entered this 25th day of September, 1998.

Marvin H. Morse
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the attached Second Prehearing Conference Report and Order were mailed first class this 25th day of September, 1998 addressed as follows:

Complainant

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